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AND

THE BILLS AS REVISED BY THE SELECT COMMITTEES.

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have not been preferred to the High Court before the appointed day shall, when such appeals are allowed by law, lie to the District Court:

Provided that such appeals already preferred to the High Court before the appointed day shall be heard and decided by the High Court:

Provided further that if on the appointed day, the period within which such appeals could have been preferred to the High Court has not elapsed, the appeals may be preferred to the District Court within such period.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE-COCHIN PAYMENT OF SALARIES AND ALLOWANCES ACT (AMENDMENT) BILL.

To

The Speaker,
Legislative Assembly.

Sir,

We, the undersigned members of the Select Committee, appointed to consider and report on the Travancore-Cochin Payment of Salaries and Allowances Act (Amendment) Bill have considered the Bill clause by clause and beg to submit this our

REPORT.

I. The Bill was published in the Gazette Extraordinary dated the 27th June 1952.

II. We are of opinion that the Bill may be adopted subject to the following amendments:—

1. For sub-clause (2) of clause 1, the following shall be substituted, namely:—

"(2) It shall be deemed to have come into force on the 27th day of June 1952".

We have made this modification with a view to give effect to the changes proposed in the Bill from the date on which the Bill was published.

2. In clause 3, at the end of clause (b) of sub-section (1) of Section 8 as proposed to be substituted, the following shall be added, namely:—

"for attending meetings of the Legislative Assembly or of any Committee thereof or of any Committee or Board constituted by the Government."

Section 8 proposed in clause 3 does not specify the purposes of the journeys for which travelling and daily allowances will be admissible. We consider it necessary to specify such purposes. The clause has been modified accordingly.

3. In clause 4, for the words "fifteen rupees" occurring in item III of the Schedule as proposed to be substituted, the words "ten rupees" shall be substituted.

P. Govinda Menon (Chairman)	(Sd.)
A. Thanu Pillai	"
T. V. Thomas	"
T. K. Divakaran	"
Balakrishna Menon	"
E. P. Varghese	"
K. M. Korah	"
V. R. Krishnan Ezhuthassan	"
R. Ponnappa Nadar	"
K. P. Krishna Menon	"

Trivandrum,
11th July 1952.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

THE TRAVANCORE-COCHIN PAYMENT OF SALARIES AND ALLOWANCES ACT (AMENDMENT) BILL

(As revised by the Select Committee)

Preamble.

Whereas it is deemed necessary to amend the Travancore-Cochin Payment of Salaries and Allowances Act, 1951 (Act XIV of 1951), for the purposes hereinafter appearing;

It is hereby enacted as follows —

Short title and Commencement.

1. (1) This Act may be called the Travancore-Cochin Payment of Salaries and Allowances (Amendment) Act, 1952.

(2) It shall be deemed to have come into force on the 27th day of June 1952.

Amendment of Section 6, Act XIV of 1951.

2. In Section 6 of the Travancore-Cochin Payment of Salaries and Allowances Act, 1951 (Act XIV of 1951), hereinafter referred to as the said Act, for the words "one hundred and seventyfive rupees", the words "two hundred and fifty rupees" shall be substituted.

Substitution of new Section for Sections 8 and 9, Act XIV of 1951.

3. For Sections 8 and 9 of the said Act, the following Section shall be substituted, namely :—

Salaries and allowances of the members of the Legislative Assembly.

"8. (1) Every member of the Legislative Assembly who does not hold any of the offices referred to in Sections 3 and 4 shall be entitled to receive—

(a) a salary of one hundred and twenty rupees per mensem, and

(b) travelling and daily allowances at the rates specified in the Schedule and upon such conditions as may be specified by rules made by the Government for attending meetings of the Legislative Assembly or of any Committee thereof or of any Committee or Board constituted by the Government.

(2) The salary referred to in clause (a) of sub-section (1) shall accrue to a member from the date on which he is declared duly elected, or in the case of a member nominated by the Raj Pramukh to fill a seat in the Legislative Assembly, from the date on which he is nominated, or if such

declaration or nomination is made before the vacancy occurs, from the date of occurrence of the vacancy:

Provided that the salary shall not be paid until the member has made and subscribed the oath or affirmation prescribed by Article 188 read with Article 238 of the Constitution of India".

Amendment of Schedule, Act XIV of 1951.

4. For items III and IV and the entries against them in the Schedule to the said Act, the following item and entry shall be substituted, namely:—

"*III. Members of the Legislative Assembly.*

The members of the Legislative Assembly shall be given travelling and daily allowances at the following rates:—

For journeys by rail	Double First Class railway fare.
For journeys by road	Eight annas per mile.
Daily allowance	Ten rupees".

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE-COCHIN PREVENTION OF ADULTERATION BILL.

To

The Speaker,

Legislative Assembly.

Sir,

We, the undersigned members of the Select Committee, appointed to consider and report on the Travancore-Cochin Prevention of Adulteration Bill have considered the Bill clause by clause and beg to submit this our

REPORT.

I. The Bill was published in the Gazette Extraordinary dated the 18th June 1952.

II. We are of opinion that the Bill may be adopted subject to the following amendments:—

1. In clause 18 (2) the words "whether or not a complaint is laid before a Magistrate of an offence under the Indian Penal Code or under this Act" shall be deleted.

2. In clause 19 (2) the words "whether or not a complaint is laid before a Magistrate of an offence under this Act" shall be deleted.

These words have been omitted as they are unnecessary.

3. For clause 20, the following shall be substituted:—

"20. (1) Any purchaser of a notified article shall be entitled on payment of such fees as may be fixed by Government to have a sample of such article analysed by the Public Analyst and to obtain a certificate of the result of the analysis.

Right of purchaser of notified article to have it analysed and the procedure thereon.

(2) The procedure for the analysis of notified articles under sub-section (1) shall be prescribed by Government.

(3) The Public Analyst shall report to the Local Executive Officer any instance in which the sample analysed is found to contravene the provisions of this Act".

4. For clause 22, the followi g shall be substituted :—

"22. When the Local Executive Officer takes a sample of any notified article with the intention of sending it for analysis he shall follow the procedure prescribed by Government in this behalf."

Procedure when sample is taken for analysis.

We consider that such detailed provision regarding the procedure to be followed in getting the articles analysed may with advantage be relegated to the rules to be framed under the Act. We have accordingly modified clauses 20 and 22 of the Bill.

5. In clause 29—

(1) In sub-clause (2), after item (g), the following shall be added as items (h) and (i) and the existing items (h) to (l) shall be relettered as (j) to (n).

"(h) prescribing the procedure for the analysis of notified articles under Section 20;

(i) prescribing the procedure to be followed by the local executive officer for getting samples of notified article analysed under Section 22".

(2) in sub-clause (3), for the word, brackets and letters "(i) or (j)" the word, brackets and letters "(k) or (l)" shall be substituted.

P. Govinda Menon (Chairman) (Sd.)
V. Madhavan ,,
K. Karunakaran ,,
K. K. Kumara Pillai ,,
T. A. Majeed ,,
V. K. Joseph ,,

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

Trivandrum,
11th July 1952.

THE TRAVANCORE-COCHIN PREVENTION OF ADULTERATION BILL.

(As revised by the Select Committee)

Preamble.

Whereas it is expedient to prevent the adulteration of articles intended for sale and the use of false descriptions of such articles in the State of Travancore-Cochin.

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Travancore-Cochin Prevention of Adulteration Act, 1952.

(2) It extends to the whole of the State of Travancore-Cochin.

(2) It shall come into force on such date as Government may, by notification in the Gazette, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Public Analyst" means a person appointed by Government to perform the functions of a Public Analyst under this Act;

(2) "Local Authority" means—

(*a*) in the city of Trivandrum, the Corporation of Trivandrum ;

(*b*) in any other municipal area, the municipal council concerned ;

(*c*) in any panchayat area constituted under the Travancore-Cochin Panchayats Act, 1950, the Panchayat; and

(*d*) in any other area, the authority appointed by Government for the purposes of this Act or where there is no such authority appointed by Government, the local Tahsildar ;

(3) "Local Executive Officer" means the Commissioner, Chairman, President, or other functionary of the local authority concerned who is vested with general executive powers under the Trivandrum City Municipal Act, 1116 or the Travancore District Municipalities Act, 1116 or the Cochin Municipal Act, XVIII of 1113 or the Travancore-Cochin Panchayats Act, 1950, or the local Tahsildar as the case may be;

(4) "notified article" means any article to which this Act is made applicable by Government by notification in the Gazette;

(5) A notified article shall be deemed to be adulterated,—

(a) if any constituent has been, in whole or in part, omitted or abstracted therefrom, or

(b) if any substance has been substituted, wholly or in part, therefor, or

(c) if the inferior quality of, any damage to, or other defect of, the article has been concealed in any manner, or

(d) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is, or

(e) if its container is composed, in whole, or in part, of any material notified as unsuited to contain it, or

(f) if it does not conform to standards or definitions of purity prescribed by Government, or

(g) if it consists in whole or in part, of any filthy, putrefied or decomposed substance or if it is otherwise unfit for use as an article for which it is intended, or

(h) if it has been prepared, packed or held under insanitary conditions whereby it may have been rendered injurious to health ;

(6) "prescribed" means prescribed by Rules made under this Act.

Power of Government to appoint Officer to inspect etc.

3. (1) Government may appoint the Director of Public Health or any other officer to inspect, control and superintend the operations of local authorities under this Act.

(2) Government may, from time to time, define the powers to be exercised and the duties to be performed by the Director of Public Health or any other officer appointed for the purposes of sub-section (1).

Powers of Director of Public Health or other Officer to advise local authorities.

4. The Director of Public Health or any other officer appointed by Government, under Section 3 may from time to time as occasion requries, recommend for adoption by the local authority, such measures as may be necessary for carrying out the purposes of this Act in any local area :

Provided that if for any reason any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the officer who makes the recommendation, the matter shall be referred to Government whose decision shall be final.

5. If in the opinion of Government, any local authority has defaulted or is unable to do its duty under this Act, Government may authorise by Notification in Gazette, any Officer of Government to perform such duty and for that purpose to exercise all the powers of a local authority under this Act in the local area concerned.

Power of Government to authorise an officer to perform the duties of a local authority.

6. Government may in relation to any matter appearing to them to affect the general interests of the consumers of any notified article direct, any Officer of Government to procure for analysis, a sample of such article and thereupon such officer shall have all the powers of a local Executive Officer under this Act and the provisions of this Act shall apply as if such officer were a local Executive Officer.

Power of Government to direct an officer to procure sample of notified article for analysis.

7. (1) The local Executive Officer may delegate all or any of his functions under this Act to such person and in such manner as may be prescribed.

Delegation of functions by local executive officers.

(2) Every person performing the functions of a local Executive Officer shall be deemed to be a Public servant, within the meaning of Section 21 of the Indian Penal Code.

8. (1) Every person who sells any notified article (whatever be the name under which it is sold) in quantity exceeding that prescribed in respect of that article shall deliver to the purchaser on demand along with the article sold a warranty in writing in such form as may be prescribed containing the following particulars, *viz.*—

Warranties.

(a) the name under which the article is sold; and

(b) such particulars as to the nature, substance, colour, quality and other specification of the article as may be prescribed:

Provided that where any notified article is sold to the local Executive officer, the warranty aforesaid shall be furnished to him on demand irrespective of the quantity of the articles sold to him.

(2) Notwithstanding anything contained in any notice or in any contract or understanding between the seller and the purchaser of any notified article, the seller shall be deemed to have vouched for the correctness of the particulars contained in the warranty furnished in pursuance of sub-section (1).

9. (1) If any person fails to furnish a warranty as required by sub-section (1) of Section 8, he shall be punishable for the first offence with fine which may extend to one hundred rupees or with imprisonment which may extend to one month or with both and for every subsequent offence with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty for not furnishing warranty and for false warranties and descriptions.

(2) Any person, who in respect of a notified article sold by him furnishes to the purchaser a false warranty shall, unless he proves to the satisfaction of the Court that when he furnished the warranty he had reason to believe that the statements or descriptions contained therein were true, be punishable for the first offence with fine which may extend to one hundred rupees or with imprisonment which may extend to one month or with both and for every subsequent offence with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

(3) Any person—

(*a*) who wilfully uses in connection with the sale of any notified article any label (whether attached to or printed on the container or wrapper of the article) which falsely describes the article or which contains a description likely to mislead the purchaser as to the nature, substance, colour, quality or other specification of the articles, or

(*b*) who in any proceedings under this Act, wilfully uses as warranty in respect of any notified article, a warranty given in respect of another article,

shall be punishable for the first offence with fine which may extend to one hundred rupees or with imprisonment which may extend to one month or with both and for every subsequent offence with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

Prohibition of sale etc., of notified articles adulterated, or not of the proper nature, etc.

10. (1) No person shall—

(a) adulterate, or cause or permit any other person to adulterate any notified article which is intended for sale, or

(b) sell or offer for sale or have in his possession for purposes of sale any notified article which is adulterated, or

(c) manufacture for sale, sell or offer for sale, or have in his possession for purposes of sale, any notified article which in nature, substance, colour, quality or other specification is not the same as the article it purports or is represented to be, or which has been mixed, coloured, powdered, coated or stained in any manner whereby any damage to or inferiority of the article is concerned, or

(d) abstract or cause or permit any other person to abstract from any notified article any constituent thereof so as to affect injuriously the nature, substance, colour, quality or other specification thereof with intent that it should be sold in its altered state, or

(e) sell or offer for sale any notified article which is not up to the standard of purity prescribed by Government.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punishable for the first offence with fine which may extend to one hundred rupees or with imprisonment which may extend to one month or with both and for every subsequent offence with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

(3) No offence under this section shall be deemed to have been committed :—

(i) where any innocuous material has been used or admixed in the composition or preparation of a notified article to render the same fit for carriage or consumption but not materially to increase the bulk, weight or measure of the article or to conceal its inferior quality or other defect, or

(ii) where in the process of production, collection, preparation or conveyance of a notified article some extraneous material has accidently or unavoidably become inter-mixed with such article, or

(iii) where a notified article is the subject of a patent in force and is supplied in the state required by the specification thereof :

Provided that none of the defences specified in this subsection shall be available in respect of any notified article which does not comply with the provisions of any rules made under this Act prescribing the composition of the article or prohibiting or restricting the addition of any substance thereto.

(4) In every prosecution for an offence under this section, the court shall, unless the contrary is proved, presume that any notified article found in the possession of a person who is in the habit of selling, manufacturing or storing like articles for sale, and in a place where such articles are commonly manufactured or sold, has been sold, manufactured or stored by such person for sale.

Special provision in the case of Co-operative Societies.

11. (1) Any notified article found in any store, shop, factory, or other premises owned or controlled by a society registered or deemed to be registered under the Travancore Co-operative Societies Act, V of 1112 or the Cochin Co-operative Societies Act, XXVI of 1113 shall, for the purposes of this Act, be deemed to be in the possession of such society for the purpose of sale unless the contrary is proved.

(2) Any transaction by which any notified article is transferred for a price by any such society as is referred to in sub-section (1) to a member of that society shall, for purposes of this Act, be deemed to be a sale by such society.

Special provision for certain notified articles.

12. Where any rule made under this Act contains provisions prescribing the composition of any notified article or prohibiting or restricting the addition of any substance thereto, a purchaser of that article shall unless the contrary is proved be deemed for the purposes of this section to have demanded the article complying with such provisions.

Pleas to be disallowed or allowed.

13. (1) Save as otherwise provided in sub-section (2), it shall not be a defence in a prosecution for an offence under Section 10 to prove—

(i) that the vendor was ignorant of the nature, substance, colour, quality or other specification of the articles sold by him, or

(ii) that the purchaser having bought only for the purpose of analysis was not prejudiced by the sale,

(2) (a) A vendor of a notified article shall not be deemed to have committed an offence under Section 10, if he proves—

(i) that the article was purchased by him as the same in nature, substance, colour, quality and other specification as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance, colour, quality and specification;

(ii) that he had no reason to believe at the time when he sold the article that it was not of such nature, substance, colour, quality or other specification; and

(iii) that he sold it in the same state as that in which he purchased it:

Provided that such a defence shall be open to the vendor only if, within seven days of the service on him of the summons, he has sent to the local executive officer a copy of the warranty with a written notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person:

Provided further that a warranty given by a person resident in any area outside the State of Travancore-Cochin shall be a defence to the vendor only if he proves to the satisfaction of the court that he had taken reasonable steps to ascertain and did in fact believe in, the accuracy of the statement contained in the warranty.

(b) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

14. (1) The local executive officer may without notice enter any place where any notified article is being manufactured, cleansed, packed, stored, or kept for sale at any time by day or night and inspect the same and any utensil used for manufacturing, preparing or containing any such article:

Power of entry and search.

Provided that nothing contained in this sub-section shall be deemed to empower the local executive officer to inspect the process of manufacture or require the manufacturer to disclose particulars in regard to such process.

(2) In any legal proceedings in respect of powers exercised under this section in which a person alleges that any notified article was not manufactured, cleansed, packed, stored or kept for sale, the burden of proof shall lie on such person.

15. (1) If it appears to the local executive officer that—

Power to seize adulterated articles, etc.

(i) any notified article intended for sale is adulterated or is other than what it purports or is represented to be, or is not up to the prescribed standard of purity, or

(ii) any vessel, utensil or container used in manufacturing, preparing or containing any notified article contravenes any rule made under this Act, he may seize such article, vessel, utensil or container in order that the same may be dealt with as hereinafter provided.

(2) If in the opinion of the local executive officer any substance manufactured or stored in any premises is likely to be used to increase the bulk, weight or measure of a notified article intended for sale or to conceal its inferior quality or other defects he may seize such substance and any vessel, utensil, or container used in the manufacture or storing of such substance in order that the same may be dealt with as hereinafter provided.

16. Whoever intentionally obstructs a local executive officer in the exercise of his powers under Section 14 or removes, or in any way interferes with, any article or substance seized under Section 15, shall be punishable for the first offence with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both and for every subsequent offence with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty for obstructing local executive officer, or removing seized articles.

17. When any notified article seized under sub-section (1) of Section 15 appears to the local executive officer to be adulterated or other than what it purports or is represented to be, he shall forthwith send a sample of such article to the Public Analyst.

Power of local executive officer to send samples for analysis.

(1) All articles seized under sub-section (1) of Section 15 or samples thereof and all vessels, utensils and containers seized under that sub-section shall as soon as possible, be produced before a Magistrate :

Production before Magistrate of articles seized under Section 15 (1) and his powers to deal with them.

Provided that where a sample of an article has been sent to the Public Analyst, the article or sample thereof may be produced before the Magistrate after the receipt of the Public Analyst's certificate.

(2) If it appears to the Magistrate on taking such evidence as he thinks necessary that any notified article or sample produced before him under sub-section (1) is adulterated or other than what it purports or is represented to be, or any vessel, utensil or container produced before him under that sub-section is of such kind or in such state as is referred to in clause (ii) of sub-section (1) of Section 15, he may order such article, vessel, utensil or container—

(a) to be forfeited to Government, or

(b) to be destroyed in such manner as he thinks fit at the cost of the owner or other person from whose possession it was seized.

19. (1) All substances, vessels, utensils and containers seized under sub-section (2) of Section 15 shall as soon as possible, be produced before a Magistrate.

Production before Magistrate of substances etc., seized under Section 15 (2) and his powers to deal with them.

(2) If it appears to the Magistrate on taking such evidence as he thinks necessary that any substance, vessel, utensil or container produced before him under sub-section (1) is of such kind or in such state as is referred to in sub-section (2) of Section 15, he may order such substance, vessel, utensil or container —

(a) to be forfeited to Government, or

(b) to be destroyed in such manner as he thinks fit, at the cost of the owner or other person from whose possession it was seized.

20. (1) Any purchaser of a notified article shall be entitled on payment of such fees as may be fixed by Government to have a sample of such article analysed by the Public Analyst and to obtain a certificate of the result of the analysis.

Right of purchaser of notified article to have it analysed and the procedure thereon.

(2) The procedure for the analysis of notified articles under sub-section (1) shall be prescribed by Government.

(3) The Public Analyst shall report to the Local Executive Officer any instance in which the sample analysed is found to contravene the provisions of this Act.

21. (1) The local executive officer may—

Power of local executive officer to take sample for analysis.

(a) take a sample of any notified article from—

(i) any person having such article in his possession for the purpose of sale, or

(ii) any person who is in the course of conveying it or of delivering or preparing to deliver it to a puschaser or consignee, or

(iii) a consignee after delivery of the article to him; and

(b) send such sample for analysis to the Public Analyst.

Explanation.—The power conferred by this sub-section on the local executive officer includes power to break open any receptacle or package in which such article may be contained.

(2) Where any sample is taken under sub section (1), the cost thereof calculated at the rate at which the article is usually sold in the market shall be paid or tendered to the person from whom it is taken, unless the person wilfully absents himself or refuses to accept the same and such sample shall for the purposes of this Act be deemed to have been sold to the local executive officer.

(3) Any person who in any manner, whatsoever prevents the local executive officer from taking a sample under sub-section (I) shall where his act does not amount to an offence under the Indian Penal Code, be punishable for the first offence with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both and for every subsequent offence with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

22. When the Local Executive Officer takes a sample of any notified article with the intention of sending it for analysis he shall follow the procedure prescribed by Government in this behalf.

Procedure when sample is taken for analysis.

23. (1) The Public Analyst to whom a sample has been sent for analysis shall grant to the person sending it, a certificate in the form prescribed in the Schedule to this Act or to the like effect, specifying the result of the analysis.

Public Analyst's certificate.

(2) Any document purporting to be such certificate signed by the Public Analyst in respect of any sample duly submitted for analysis and report may be used as evidence of the facts stated therein in any proceedings under this Act or under Sections 272 to 276 of the Indian Penal Code.

24. No court inferior to that of a Magistrate of the Second Class shall try any offence or shall have jurisdiction to pass any order under this Act.

Jurisdiction of Magistrates.

25. No prosecution under this Act shall be instituted against any person except on the complaint of the purchaser or on the complaint of the local executive officer or of any officer appointed by Government or of any other person with the consent in writing of the local executive officer or under the sanction of Government.

Institution of prosecutions.

26. No prosecution under this Act shall be commenced after the expiry of three months after the commission of the offence:

Limitation for prosecution.

Provided that where a person is prosecuted under this Act and he has pleaded by way of defence a warranty given to him by some other person from whom he purchased the notified article concerned, a prosecution against the said other person may be commenced at any time before the expiry of three months from the date on which the prosecution against the first mentioned person is finally disposed of.

27. It shall be the duty of every local authority to carry into execution and enforce in the area within its jurisdiction all the provisions of this Act with respect to which the duty is not expressly or by necessary implications imposed on some other authority.

Duties of local authorities.

28. No suit, prosecution or other proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or any rules or bye-laws made or orders issued thereunder.

Bar of suits and other proceedings.

29. (1) Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith.

Power of Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules—

(a) with reference to all matters expressly required or allowed by this Act to be prescribed;

(b) with reference to the appointment, removal and qualifications of, and the exercise of functions by, the Public Analyst;

(c) determining the jurisdiction and functions of local executive officers;

(d) prescribing the state in which vessels, utensils and containers used for manufacturing, preparing or

containing any notified article intended for sale shall be kept and prohibiting the use of vessels, utensils and containers made, in whole or in part, of materials likely to injure such article;

(*e*) prescribing standards of purity for any notified article and determining what deficiency in any normal constituent of any of the articles or what addition of any extraneous matter in any such article or any preparation of the same shall, for the purposes of this Act, raise a presumption until the contrary is proved, that the article is not genuine;

(*f*) prohibiting or regulating—

(i) the mixing of two or more notified articles which are similar in nature or appearance,

(ii) the transport and sale of articles known to be used as adulterants,

(iii) the addition of any diluent or adulterant to any notified article,

(iv) the abstraction of any ingredient from any notified article, and

(v) the sale of any notified article which has been admixed with another article or to which any addition or from which any abstraction has been made or which has been otherwise artificially treated;

(*g*) prescribing the fees to be paid by the purchaser for the analysis of a sample by the Public Analyst;

(*h*) prescribing the procedure for the analysis of notified articles under Section 20;

(*i*) prescribing the procedure to be followed by the local executive officer for getting samples of notified article analysed under Section 22;

(*j*) authorising the person taking a sample of any notified article for analysis to add preservatives to such sample for the purpose of maintaining it in a suitable condition for analysis and regulating the nature of such preservatives and the method of adding them;

(*k*) prohibiting the manufacture and sale of articles known to be used as adulterants otherwise than with a distinctive colouring;

(*l*) providing for the manner in which any receptacle containing any genuine notified article is to be labelled or marked;

(*m*) prescribing the classes or qualifications of persons to whom and the conditions under which the local executive officer may, under Section 7, delegate his powers or duties;

(n) determining the local limits within which any local executive officer or any person delegated by him under Section 7 may exercise his functions.

(3) In making any rule under sub-section (1) or clauses (d), (e), (f), (k) or (b) of sub-section (2), Government may provide that a breach thereof shall be punishable—

(a) for the first offence with imprisonment which may extend one month with fine which may extend to one hundred rupees, or with both ;

(b) for every subsequent offence with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

(4) All rules made under this Section shall be published in the Gazette and upon such publication shall have effect as if enacted in this Act.

Power of local authorities to make bye-laws.

30. (1) Every local authority may, under the provisions with regard to the making of bye-laws contained in the Act under which such local authority is established, make bye-laws not inconsistent with this Act or the rules made thereunder for all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the local authority may make bye-laws—

(a) providing for the licensing of the sale, possession for sale or the manufacture for sale of any notified article and the fees payable for such licences, provided that no such bye-law shall require any person to take out a licence for any of the aforesaid purposes if a licence has already been obtained for such purpose under any of the provisions of the Act under which the local authority is established or any rule or bye-law made thereunder ; and

(b) for the inspection and the regulation of places in which notified articles are sold, kept for sale or manufactured for sale.

Act and Rule supplemental to certain other provisions.

31. The provisions of this Act and the rules made thereunder shall be read as supplemental to the Act under which the local authority is established.

Repeal.

32. The Travancore Prevention of Adulteration Act, 1124 (VII of 1124) and Cochin Prevention of Food Adulteration Act, XIV of 1109, are hereby repealed.

THE SCHEDULE.

See section 23 (1).

FORM OF CERTIFICATE.

To

I, the undersigned Public Analyst for the............do hereby certify that I received on the.. ... .day of............19 from......... ....a sample of......................for analysis (which then weighed... ....) and analysed the same and I declare the result of the analysis to be as follows—

I am of opinion that the same is not a sample of genuine...... ....and that it contained the parts as mentioned below or the percentage of foreign ingredients as mentioned below :—

Observations—

Signed this..............day of............19

at A. B.

Note :—In the case of a certificate regarding any article liable to decomposition, the Analyst shall specially report whether any change had taken place in the constitution of the article which interferes with the analysis.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.